

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Stickney School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Mary Borgman, Team Leader; Chris Sargent, and Lori Wehlender, Team Members

Date of On Site Visit: January 31, 2012

Date of Report: February 13, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

Meets the requirements and purposes of Part B of the Act;

Needs assistance in implementing the requirements of Part B of the Act'

Needs intervention in implementing the requirements of Part B of the Act; or

Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

NONCOMPLIANCE ISSUE:

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

(1) Review existing evaluation data on the child, including:

- (a) Evaluations and information provided by the parents of the child;
- (b) Current classroom-based local or state assessments and observations; and
- (c) Observations by teachers and related services providers; and

(2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:

- (a) Whether the student has a particular category of disability as described in this article; (b) The present levels of academic achievement and related developmental needs of the student; and
- (c) Whether the student needs special education and related services.

The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section, the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

Source: 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

Source: 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

Corrective Action:

<u>Prong 1:</u> Correct each individual case of noncompliance In the review of student files, the monitoring team found the District did not have documentation of a student's diagnosis of a disorder to meet the Other Health Impaired eligibility criteria.		
Student:	Required Action:	Data To Be Submitted:
Student # 1: This student's evaluation data met the eligibility criteria for the Other Health Impairment category for having an Attention Deficit Hyperactivity Disorder that adversely affected his educational performance; however, the district had no diagnosis of the student's disorder.	The District must pull forward the student's current evaluation results, complete a skill-based attention assessment and report, revise the student's evaluation report thoroughly documenting the student's diagnosis, determine eligibility, and develop an IEP.	The District must submit: <ol style="list-style-type: none"> 1. Prior Notice Consent 2. Evaluation report 3. Prior Notice for Meeting 4. Determination of Eligibility Document 5. IEP
Timeline For Completion: April 1, 2012		

<u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e., achieved 100% compliance). Based on the SEA's review of <u>updated data</u> . Required Action: Either for an initial evaluation or reevaluation, the district will submit copies of the following for one student who has a diagnosis document required for an eligibility category: <ol style="list-style-type: none"> 1. Referral (if initial evaluation) 2. Prior Notice for Consent for Evaluation 3. Evaluation report(s) 4. Prior Notice for the Meeting 5. Medical diagnosis if done by a doctor/specialist 6. Eligibility Report 7. IEP
All non-compliance must be corrected within one-year of this report date.
<u>Date:</u> <u>Status Report:</u>

State Performance Plan-Performance Indicator

Indicator 2: Dropout Rate: Percent of youth with IEPs dropping out of high school.

State Target: 3.31% or lower

District Rate: 0%

District's Response: One large advantage to a small school is being able to track students easily. For the Special Education teacher, it is convenient to always know where the students are. The high school staff does an excellent job of encouraging one-on-one help, even after school.

Indicator 8: Parent involvement: percent of parents with child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count.)

State Target 64.2 or higher

District Rate: * _____

District Response: Apparently, we did not meet the minimum number that year. I am trying very hard to have parents complete the form, and I mail it myself after annual meetings and conferences.